

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**TYRONE E. REID,**

**Petitioner,**

**-vs-**

**Case No. 3-:05-CV-326**

**ERNIE L. MOORE, Warden,**

**District Judge Thomas M. Rose**

**Respondent.**

**Chief Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING TYRONE R. REID'S OBJECTIONS (Doc. #38) TO CHIEF MAGISTRATE JUDGE MICHAEL R. MERZ'S REPORT AND RECOMMENDATIONS (Doc. #28); OVERRULING TYRONE R. REID'S OBJECTIONS (Doc. #38) TO CHIEF MAGISTRATE JUDGE MICHAEL R. MERZ'S ORDER OVERRULING REID'S POST-REPORT AND RECOMMENDATION MOTIONS; ADOPTING CHIEF MAGISTRATE JUDGE MERZ'S REPORT AND RECOMMENDATIONS IN ITS ENTIRETY AND TERMINATING THIS CASE**

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This matter is before the Court pursuant to Petitioner Tyrone E. Reid's ("Reid's") Objections (doc. #38) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (doc. #28). Reid also objects to the Chief Magistrate Judge's Order denying his Motion To Expand the Record, his Motion for Transcripts, his Motion for an Evidentiary Hearing, his Motion for Leave To Supplement Traverse and his Motion for Leave To Conduct Discovery (the "Order denying Reid's post-Report and Recommendations Motions"). (Doc. #36).

The Report and Recommendations was filed on November 8, 2007, and the Order denying Reid's post-Report and Recommendation Motions was filed on November 19, 2007. Reid's Objections thereto were filed on December 4, 2007. The Report and Recommendations addresses Reid's Petition for a Writ of Habeas Corpus.

The Warden did not file objections to the Report and Recommendations and did not file a response to Reid's post-Report and Recommendations Motions or to Reid's Objections. Reid's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Reid's Objections to the Chief Magistrate Judge's Report and Recommendations and Reid's Objections to the Chief Magistrate Judge's Order on Reid's post-Report and Recommendations Motions are not well-taken. Reid's Objections are hereby OVERRULED.

Grounds for Relief 1 through 23 and 25 and 26 of Reid's Petition for a Writ of Habeas Corpus are procedurally defaulted. Ground for Relief 24 is denied on the merits. Reid's Petition for a Writ of Habeas Corpus is, therefore, DISMISSED WITH PREJUDICE. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Having reviewed the record on this matter including the Chief Magistrate Judge's Order denying Reid's post-Report and Recommendation Motions, this Court finds that Chief Magistrate Judge Merz's findings of fact are not clearly erroneous, he has not abused his discretion in deciding Reid's post-Report and Recommendation Motions, and the Court agrees with his legal conclusions. Therefore, Reid's Objections to the Chief Magistrate Judge's Order on Reid's post-Report and Recommendation Motions are OVERRULED.

Finally, because reasonable jurists would not disagree with the conclusions reached herein, Reid is denied leave to appeal *in forma pauperis* and is denied a certificate of appealability. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Fifth day of March, 2008.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

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